

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

ANTHONY W. HELMER,

Plaintiff,

vs.

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

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**Civil Action No. 1:07-CV-203-C
ECF**

ORDER

THIS MATTER comes before the court on the Report and Recommendation filed October 3, 2008 (Doc. 22). No written objections have been filed.

IT IS, THEREFORE, ORDERED that the findings and conclusions in the Report and Recommendation are **ADOPTED** as the findings and conclusions of the court and that this cause is reversed and remanded to the Commissioner for further proceedings pursuant to 405 U.S.C. § 405(g).

Upon remand, the ALJ should further consider Plaintiff's residual functional capacity, taking into account the entire record in making the residual functional capacity assessment and further developing the record, if necessary, to make a determination regarding the limitations imposed by Plaintiff's impairments and his ability to perform work-related activities, before proceeding with the sequential evaluation process.

Dated October 22, 2008.


SAM R. CUMMINGS
UNITED STATES DISTRICT COURT